

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.17048 THIS SECTION IS AMENDED EFFECTIVE MARCH 22, 2017: See 333.17048.amended

333.17048 Limitation on number of physician's assistants supervised; prohibiting or restricting delegation of medical care service or requiring higher levels of supervision; delegation of ultimate responsibility prohibited; rules as to drugs; ordering, receiving, and dispensing complimentary starter dose drugs; physician's assistant as shareholder in professional service corporation or as member in professional limited liability company.

Sec. 17048. (1) Except as otherwise provided in this section and section 17049(5), a physician who is a sole practitioner or who practices in a group of physicians and treats patients on an outpatient basis shall not supervise more than 4 physician's assistants. If a physician described in this subsection supervises physician's assistants at more than 1 practice site, the physician shall not supervise more than 2 physician's assistants by a method other than the physician's actual physical presence at the practice site.

(2) A physician who is employed by, under contract or subcontract to, or has privileges at a health facility or agency licensed under article 17 or a state correctional facility may supervise more than 4 physician's assistants at the health facility or agency or state correctional facility.

(3) To the extent that a particular selected medical care service requires extensive medical training, education, or ability or poses serious risks to the health and safety of patients, the board may prohibit or otherwise restrict the delegation of that medical care service or may require higher levels of supervision.

(4) A physician shall not delegate ultimate responsibility for the quality of medical care services, even if the medical care services are provided by a physician's assistant.

(5) Subject to section 17076(3) and (4), the board may promulgate rules for the delegation by a supervising physician to a physician's assistant of the function of prescription of drugs. The rules may define the drugs or classes of drugs the prescription of which shall not be delegated and other procedures and protocols necessary to promote consistency with federal and state drug control and enforcement laws.

(6) A supervising physician may delegate in writing to a physician's assistant the ordering, receipt, and dispensing of complimentary starter dose drugs including controlled substances that are included in schedules 2 to 5 of part 72. When the delegated ordering, receipt, or dispensing of complimentary starter dose drugs occurs, both the physician's assistant's name and the supervising physician's name shall be used, recorded, or otherwise indicated in connection with each order, receipt, or dispensing. When the delegated ordering, receipt, or dispensing of complimentary starter dose drugs that are included in schedules 2 to 5 occurs, both the physician's assistant's and the supervising physician's DEA registration numbers shall be used, recorded, or otherwise indicated in connection with each order, receipt, or dispensing. As used in this subsection, "complimentary starter dose" means that term as defined in section 17745. It is the intent of the legislature in enacting this subsection to allow a pharmaceutical manufacturer or wholesale distributor, as those terms are defined in part 177, to distribute complimentary starter dose drugs to a physician's assistant, as described in this subsection, in compliance with section 503(d) of the federal food, drug, and cosmetic act, 21 USC 353.

(7) Beginning on July 19, 2010, if 1 or more individuals licensed under part 170 to engage in the practice of medicine, licensed under part 175 to engage in the practice of osteopathic medicine and surgery, or licensed under part 180 to engage in the practice of podiatric medicine and surgery, and 1 or more physician's assistants organize a professional service corporation under section 4 of former 1962 PA 192, a professional corporation under section 284 of the business corporation act, 1972 PA 284, MCL 450.1284, or a professional limited liability company under section 904 of the Michigan limited liability company act, 1993 PA 23, MCL 450.4904, the individuals who are the supervising physicians of the physician's assistants shall be shareholders in the same professional service corporation or professional corporation or members in the same professional limited liability company as the physician's assistants and shall meet all of the applicable requirements of part 170, 175, or 180. If 1 or more physician's assistants organized a professional service corporation under section 4 of former 1962 PA 192, a professional corporation under section 284 of the business corporation act, 1972 PA 284, MCL 450.1284, or a professional limited liability company under section 904 of the Michigan limited liability company act, 1993 PA 23, MCL 450.4904, before July 19, 2010 that has only physician's assistants as shareholders or members, the individuals who are the supervising physicians of the physician's assistants shall meet all of the applicable requirements of part 170, 175, or 180.

(8) In addition to the requirements of section 17068 and beginning on July 19, 2010, the department shall include on the form used for renewal of licensure a space for a physician's assistant to disclose whether he or she is a shareholder in a professional service corporation under section 4 of former 1962 PA 192, or a member

in a professional limited liability company under section 904 of the Michigan limited liability company act, 1993 PA 23, MCL 450.4904, that was organized before July 19, 2010. A physician's assistant who is a shareholder in a professional service corporation or a member in a professional limited liability company described in this subsection shall disclose all of the following in the form used for renewal of licensure provided by the department:

(a) Whether any individuals licensed under part 170 to engage in the practice of medicine, licensed under part 175 to engage in the practice of osteopathic medicine and surgery, or licensed under part 180 to engage in the practice of podiatric medicine and surgery are shareholders in the professional service corporation or members in the professional limited liability company.

(b) The name and license number of the individual licensed under part 170 to engage in the practice of medicine, licensed under part 175 to engage in the practice of osteopathic medicine and surgery, or licensed under part 180 to engage in the practice of podiatric medicine and surgery who supervises the physician's assistant.

(c) Whether the individual licensed under part 170 to engage in the practice of medicine, licensed under part 175 to engage in the practice of osteopathic medicine and surgery, or licensed under part 180 to engage in the practice of podiatric medicine and surgery disclosed in subdivision (b) is a shareholder in the same professional service corporation or member in a professional limited liability company as the physician's assistant.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1986, Act 174, Imd. Eff. July 7, 1986;—Am. 1990, Act 247, Imd. Eff. Oct. 12, 1990;—Am. 1996, Act 355, Imd. Eff. July 1, 1996;—Am. 2010, Act 124, Imd. Eff. July 19, 2010;—Am. 2011, Act 210, Imd. Eff. Nov. 8, 2011;—Am. 2012, Act 618, Imd. Eff. Jan. 9, 2013.

Compiler's note: Section 3 of Act 174 of 1986 provides: "This amendatory act shall only apply to contested cases filed on or after July 1, 1986."

Popular name: Act 368

Administrative rules: R 338.6101 et seq. of the Michigan Administrative Code.